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CORRESPONDENCE MEMORANDUM

DATE: September 8, 2004

TO: Members of the Employee Trust Funds Board, Teachers Retirement Board and Wisconsin Retirement Board

FROM: Robert Weber

SUBJECT: Proposed new administrative rule concerning faxes and e-mail

This is an action item. The Department of Employee Trust Funds asks each Board to approve the attached proposed rule and notice of public hearing for publication. If the Boards approve the proposed rule, then the next steps in the rule promulgation process will be: submission to the Legislative Council staff for review, a public hearing, preparation of a final draft report, legislative review and publication of the final rule. The Department will bring the final draft report to the Boards for approval before sending the final rule to the Legislature.

The proposed rule repeals and recreates the existing rule and applies to both faxes and e-mails. The existing rule covers only faxes (not e-mail). Only specific form numbers and kinds of documents are listed. The existing rule requires that the original document be supplied to the Department within 14 days. The purpose of the existing rule was to allow participants, annuitants and beneficiaries to "lock in" the earliest possible date of receipt by transmitting a fax, then mailing or delivering the original to the Department. The purpose of the new rule is to allow participants, beneficiaries and others corresponding with the Department to more generally take advantage of the convenience and speed of electronic communications. The new rule is also intended to reduce the administrative burden associated with monitoring receipt of an original in every case and to curb some manipulations possible under the existing rule.

The Department proposes to treat documents received by these electronic means just as it treats originals of the same kinds of documents that are received by mail or other means. The most significant differences from the existing rule and former policies are:

- The new rule is not limited to a list of specific documents.
- No requirement that an "original" also always be delivered to the Department.
- Date and time of receipt of a fax or e-mail document will not depend on the actual office hours of the Department.

The Department intends this rule to apply to administration of all benefit plans. At present, the scope statement for this rule-making has been approved by the three retirement Boards plus the Group Insurance Board.

Board	Mtg Date	Item #
JL	9/16/2004	4
TR	9/16/2003	4
WR	9/16/2003	4
ETF	9/17/2003	4